

Senate Bill 412

By: Senators Goggans of the 7th, Thomas of the 54th, Unterman of the 45th and Hawkins of the 49th

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, so as to provide for legislative findings relating to electronic health initiatives; to create the Georgia eHealth Advisory Council; to provide for its composition and powers; to provide for a strategic plan and annual reports; to provide for cooperation from state agencies; to provide administrative support; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, is amended by adding a new Code section to read as follows:

"31-1-11.

(a) The General Assembly finds that:

(1) The State of Georgia is suffering from decreasing access to quality health care and escalating health care costs while at the same time undergoing a serious budget shortage;

(2) Electronic health initiatives such as telehealth and electronic health care records are emerging as vital components of the solution to our current health care crisis and hold the potential to answer some of the most challenging issues of providing quality health care in Georgia;

(3) Telehealth greatly expands access to quality health care and health care professionals while also providing cost-effective delivery;

(4) Telehealth allows health care providers to see and diagnose inmates in prisons and improve inmate health care by providing remote access to more medical specialists while reducing prisoner transport costs and related security management costs;

(5) Telehealth is one of the most effective ways to increase access to psychiatric care for individuals living in underserved areas;

(6) Telehealth can reduce the frequent unnecessary transfers of nursing home residents with multiple chronic conditions while reducing cost, liability, and the chances that residents are injured;

(7) For schools that are faced with having to decrease nursing staff, telehealth can allow access to a nurse who is located at a central location serving multiple schools via a telemed connection in real time;

(8) The expansion of telehealth services in Georgia would greatly benefit from an entity that would coordinate the implementation of telehealth services across Georgia, helping to consolidate contracts, share developments, and accelerate the use of rapidly developing telehealth methods and technology;

(9) In the absence of an efficient system for sharing medical information among the Georgia provider community, health care providers must order costly duplicative medical tests and procedures;

(10) The health care system would benefit from reducing the time needed to evaluate promising medical techniques, devices, and drugs, and bringing safe and effective products and procedures to the marketplace more quickly;

(11) Providing consumers with online access to tools that gather data from their medical records, and assisting them in reviewing and monitoring the data in conjunction with their health care providers, would permit them to become better informed and more proactive in managing their health and wellness, thereby reducing strain on and increasing efficiency of the health care system;

(12) With the advances made in technology and connectivity, it is feasible to implement an effective information infrastructure capable of aggregating health information from multiple sources and presenting that information to authorized parties in a usable format to support sound health care decisions by providers, consumers, public health officials, and researchers;

(13) Such health information infrastructure is a necessary and important part of effectively addressing the challenges and opportunities described in this subsection;

(14) Safeguarding the privacy and security of personal health information is of great importance to the citizens of Georgia; and

(15) The creation and promotion of a unified plan for the development and implementation of eHealth initiatives is of crucial importance to, and in the best interests of, the people of the State of Georgia.

(b) There is created the Georgia eHealth Advisory Council. The council shall be composed of:

(1) The commissioner of the Department of Community Health or his or her designee;

(2) The director of the Division of Public Health of the department or his or her designee;

(3) The commissioner of the Department of Corrections or his or her designee;

(4) The commissioner of the Department of Behavioral Health and Developmental Disabilities or his or her designee; and

(5) A representative of the Georgia Trauma Care Network Commission, as designated by the chairperson of such commission.

The member designated pursuant to paragraph (5) of this Code section shall serve at the pleasure of the chairperson of the Georgia Trauma Care Network Commission, and all other members shall serve terms concurrent with their positions.

(c) The commissioner of the Department of Community Health or his or her designee shall serve as chairperson of the council. Members of the commission shall serve without compensation.

(d) The council may:

(1) Appoint advisory members including representatives from the Georgia health care provider community, Georgia telehealth providers, local government representatives, sheriffs, local school system representatives, and others whose expertise may benefit the council; and

(2) Establish various subcommittees with subject matter expertise to advise the council on specific matters. In such cases, subcommittees may include appointed advisory members in their membership, but the chairperson of each subcommittee shall be a member of the council.

(e) The council shall:

(1) Advise and support appropriate parties within state government relating to development and implementation of an overall strategy for the adoption and use of telemedicine techniques and services in state funded health care and mental health programs;

(2) Develop strategies for sharing of services and coordination across agencies and state funded programs as they develop and implement telemedicine programs so as to eliminate duplicative efforts in this area;

(3) Advise appropriate parties within state government on issues related to the development and implementation of the health information infrastructure so as to promote electronic health record development and health information exchange; and

(4) Review all state contracts in the areas of telemedicine and electronic health records in order to ensure coordination with other agencies, to promote consolidation of contracts, and to encourage state contracts with nonprofit entities that promote and support telemedicine initiatives.

(f) No later than July 1, 2011, the council shall establish a five-year strategic plan regarding electronic health initiatives and shall submit such strategic plan to the General Assembly, the Lieutenant Governor, the Governor, and the Speaker of the House of Representatives. Annually thereafter, the council shall report on its findings to the General Assembly, the Lieutenant Governor, the Governor, and the Speaker of the House of Representatives during each regular legislative session.

(g) All executive departments, agencies, boards, and commissions and any other divisions of the executive branch of state government shall fully cooperate with the council, and any nonprofit entities designated by the council that promote and support telemedicine initiatives, in the performance of its duties and shall provide staff assistance and any other assistance as requested.

(h) The council shall be attached to the Department of Community Health for administrative purposes. Staff support for the council shall be provided from the Department of Community Health, Department of Corrections, and the Department of Behavioral Health and Developmental Disabilities."

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.